IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 23412 of 1999

Between:

D.V.V. Satyanarayana,

S/o.D.Venkateshwar Rao,

Bodasakurru village, Allavaram Mandal,

East Godavari District.

..... PETITIONER

AND

1. The District Collector,

   East Godavari District.

2. The Revenue Divisional Officer,

   Amalapuram.

3. The Mandal Revenue officer,

   Allvaram Mandal.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ order or direction more

particularly a writ of Mandamus hold that the action of the Respondents in trying to allot Fair price shop Dealer licence to Mahila Sangham as being arbitrary, illegal and violative of Art.14,19(1)(g) of the Constitution of India apart from being defective in having the legal sanction in doing the same and pass such other order or orders which are deem fit and proper in the interest of justice.

Counsel for the Petitioner: MR. L. Nanda Kishore

Counsel for the Respondents : G.P. for Civil Supplies.

The Court Made the Following :

Oral Order:

None appears for the petitioner. Heard the learned Assistant Government Pleader for Civil Supplies.

Initially the petitioner's father was appointed as fair price shop dealer of shop No.2 of Bodasakurru village in the year 1977 and after his death, petitioner's mother was appointed, on her application to consider her case as the dealer to the said fair price shop. Later on, the mother of the petitioner was also expired on 20-07-1999. Then the petitioner made an application to consider his case for appointing him as a fair price shop dealer in the place of his mother. It is stated that the third respondent-Mandal Revenue Officer, Allavaram Mandal, who conducted an enquiry submitted his report to the second respondent-Revenue Divisional Officer, Amalapuram, who in turn sought permission from the first respondent-District Collector for appointing the petitioner as fair price shop dealer. But instead of appointing the petitioner as fair shop dealer the respondents are taking steps to fill up the same with outsiders by publishing news item in the news paper on 29-09-1999 stating that the fair price shops will be allotted to Mahila Shakti Sangams. In view of the same, petitioner moved this Court by way of present writ petition and this Court by interim order dated 11-11-1999 directed the respondents to consider the case of the petitioner for appointing him as fair price shop dealer without reference to the press release dated 29-09-1999.

Letter written by the second respondent to the Government Pleader along with the counter affidavit has been made available by the Assistant Government Pleader which discloses that Sri Santhi DWACRA Group of Bodasakurru village was appointed as dealer in the vacancy caused due to the death of the petitioner's mother and further it is stated that the Government issued G.O.Ms.No.198, Food, Civil Supplies and Consumer Affairs (CS-IV) Department dated 06-02-1996 not to transfer the authorization of the dealer in favour of his/her wife, daughter or daughter-in-law in case of the death of the dealer, old aged or disease. The Fair Price Shop Dealer's Welfare Federation of A.P has filed a writ petition challenging the above Government Order, which was dismissed, since it is a policy decision of the State Government. Since, the appointing authorities have to follow the reservation as per Rule 1.2.6 of G.O.Rt.No.645, Food and Agriculture (C.S-II) Department dated 13-03-1989, treating the entire division as a Unit, Shanti DWACRA Group was appointed as fair price shop dealer. Petitioner, if aggrieved, has to file an appeal.

In view of the same, since the appointment of Shanti DWACRA Group of Bodasakurru as a fair price shop dealer has not been challenged and since from 1999 she is continuing and distributing the essential commodities, no further orders need to be passed in the writ petition, except granting liberty to the petitioner to file an appeal, if aggrieved by the said appointment.

The writ petition is accordingly dismissed. No costs.

05-07-2004

VS/Murthy

To

1. The District Collector,

   East Godavari District.

2. The Revenue Divisional Officer,

   Amalapuram.

3. The Mandal Revenue officer,

   Allvaram Mandal.

4. Two CCs to the G.P for Civil Supplies, High Court Buildings, Hyderabad (O.U.T).

5. Two CD copies.

6. One spare copy.

THE HON'BLE MR JUSTICE A.GOPAL REDDY

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Dated: 05-07-2004

VS